

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REGINA MAE SCHMIDT,)	
)	
Plaintiff,)	
)	Civil Action No. 13-539
v.)	
)	District Judge Terrence F. McVerry
CAROLYN W. COLVIN, Acting)	Chief Magistrate Judge Lisa Pupo Lenihan
Commissioner of Social Security,)	
)	ECF Nos. 9 & 15
Defendant.)	

MEMORANDUM ORDER

Plaintiff, Regina Mae Schmidt, commenced this action on April 15, 2013 by filing a Motion for Leave to Proceed In Forma Pauperis (ECF No. 1), which was granted on April 16, 2013. Her Complaint (ECF No. 2) was docketed that same date and the case was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF. No. 18), filed on December 23, 2013, recommended that Plaintiff's Motion for Summary Judgment (ECF. No. 9) be granted, in part, and denied, in part, that Defendant's Motion for Summary Judgment (ECF. No. 15) be denied, and that the decision of the Commissioner of Social Security be vacated and the case remanded for further administrative proceedings in accordance with the Report and Recommendation. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. No objections to the Report and Recommendation have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 14th day of January, 2014,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Plaintiff, Regina Mae Schmidt (ECF. No. 9) is **GRANTED, IN PART**, and **DENIED, IN PART**, the Motion for Summary Judgment filed by Defendant, Carolyn W. Colvin (ECF. No. 15) is **DENIED**, and the decision of the Commissioner of Social Security is vacated and the case **REMANDED** for further administrative proceedings in accordance with the Report and Recommendation.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lenihan (ECF No. 18), dated December 23, 2013, is adopted as the Opinion of the Court.

s/TERRENCE F. McVERRY
United States District Judge

cc: All Counsel of Record
Via Electronic Mail